IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

HEADWATER RESEARCH LLC, *Plaintiff*, v. CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS and VERIZON CORPORATE SERVICES GROUP, INC., *Defendants*.	Civil Action No. 2:23-cv-00352-JRG-RSP

JOINT MOTION TO RESCHEDULE PRETRIAL CONFERENCE FOR JUDICIAL EFFICIENCY AND TO SCHEDULE HEARING ON DEFENDANTS' MOTION FOR SANCTIONS UNDER RULE 37(E)(1) (DKT. NO. 164)

Plaintiff Headwater Research LLC ("Headwater" or "Plaintiff") and Defendants Cellco Partnership d/b/a Verizon Wireless, Verizon Corporate Services Group, Inc. (collectively, "Verizon" or "Defendants") (collectively, the "Parties") respectfully request that the Court reschedule the Pretrial Conference in the above-captioned matter (which is currently set for May 19, 2025) to coincide with the Pretrial Conference in *Headwater v. T-Mobile*, No. 2:23-cv-00379-JRG-RSP ("the 379 Action") (which is set for May 30, 2025), subject to the Court's availability. In addition, pursuant to Local Rule CV-7(g), the Parties respectfully request a hearing on Defendants' Motion for Sanctions Under Rule 37(e)(1) (Dkt. No. 164) ("Motion for Sanctions") on May 29, 2025 at 9:00 AM, to coincide with the Motion Hearing set by the Court for Defendants' Motion to Compel Documents and Communications Improperly Withheld on the Basis of Anticipation of Litigation (Dkt. No. 266) ("Motion to Compel"). The Parties would show the Court as follows:

Currently, the Court has scheduled a May 19 Pretrial Conference in this action, a May 29

hearing on Defendants' Motion to Compel, and a May 30 Pretrial Conference in the 379 Action. To promote judicial efficiency and given the high degree of overlap in motion *in limine* and exhibit disputes across this case and the 379 Action, the Parties propose moving the May 19 Pretrial Conference in this action to coincide with the May 30 Pretrial Conference in the 379 Action, which would free up the May 19 date for the Court.

The Parties have exchanged exhibit objections and MILs, and most disputes that the Parties expect to address at the Pretrial Conference overlap across this action and the 379 Action. It would be efficient for the Court to address these disputes simultaneously, rather than on different dates. The same counsel also represents Verizon in this action and T-Mobile in the 379 Action, and both cases are currently scheduled for trial on June 23, 2025. To the extent the Court believes more than one day is necessary to address pretrial disputes in both cases, the Parties are also amenable to using part of the May 29 hearing date to address PTC disputes, subject to the Court's availability.

In addition, the Parties request a hearing on Verizon's Motion for Sanctions and respectfully request that it be set for May 29, 2025 to coincide with the Motion to Compel hearing involving the same parties and counsel. Verizon filed its Motion for Sanctions on March 19, 2025, and briefing was complete as of April 29, 2025. Dkt. Nos. 164, 197, 219, 223. The Parties represent that good cause exists for Verizon's Motion for Sanctions to be heard at the same time as Verizon's Motion to Compel at the Motion Hearing on May 29, 2025.

First, the interests of judicial economy and efficiency will be promoted if the Court hears the Motion for Sanctions and the Motion to Compel together because the issues are related. Specifically, Verizon's Motion to Compel is based on Headwater's position in its briefing in opposition to Verizon's Motion for Sanctions. *See* Dkt. No. 266 (Verizon's Motion to Compel); Dkt. Nos. 197, 223 (Headwater's Response and Surreply to Verizon's Motion for Sanctions).

Second, T-Mobile is also seeking to have its Motion for Sanctions Under Rule 37(e)(1) (*T-Mobile*, Dkt. No. 163) and Motion to Compel Documents and Communications Improperly Withheld on the Basis of Anticipation of Litigation (379 Action, Dkt. No. 256) heard at the same time. It would be highly efficient for the Court to hear Verizon's and T-Mobile's motions at the same hearing because of the similar arguments and evidence presented by Verizon and T-Mobile. Verizon's and T-Mobile's Motions for Sanctions are based on similar evidence and argument, and the same is true for Verizon's and T-Mobile's Motions to Compel. *See* 379 Action, Dkt. Nos. 163 & 256. Verizon and T-Mobile are represented by the same counsel, and Headwater is also represented by the same counsel in each matter. It is therefore in the interests of judicial economy and efficiency for both Verizon's and T-Mobile's motions to be heard at the same time.

Finally, the interests of judicial economy and efficiency will be served by hearings on these Motions in advance of trial. The Court's decisions on Verizon's Motion for Sanctions and Verizon's Motion to Compel may inform the Court's decision making on other pending motions, including motions for summary judgment, motions to strike/*Daubert* motions, and motions *in limine*, which will also provide helpful context for the Court at the proposed combined Pretrial Conference the following day (i.e., May 30). Additionally, the Court's decisions on these motions will likely inform the Parties' trial preparation and strategy, and may inform settlement discussions or otherwise help to narrow the issues before trial.

Accordingly, the Parties respectfully request that the Court grant this Joint Motion, rescheduling the Pretrial Conference for May 30, 2025, and hearing oral argument on Verizon's Motion for Sanctions (Dkt. No. 164) at the same Motion Hearing set by the Court for Defendants' Motion to Compel Documents and Communications Improperly Withheld on the Basis of Anticipation of Litigation (Dkt. No. 266).

Dated: May 13, 2025

Respectfully submitted,

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CERTIFICATE OF CONFERENCE

I hereby certify that counsel for Verizon conferred with counsel for Plaintiff and that this is a Joint Motion.

/s/ Marc Fenster
Marc Fenster

CERTIFICATE OF SERVICE

I hereby certify that on May 13, 2025, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

/s/ Marc Fenster
Marc Fenster